

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NORTH DAKOTA

In Re:)	
)	
CHRISTOPHER WAYNE GLENN)	
)	Case No. 23-30132
)	
aka Christopher Glenn)	Chapter 11
)	Subchapter V
)	
)	
Debtor)	

**MOTION TO LIMIT NOTICE OF SECOND INTERIM TRUSTEE FEE
APPLICATION AND FUTURE APPLICATIONS**

The Subchapter V Trustee hereby moves (the “Motion”) this Court for entry of an Order limiting the scope of Notice of Application and Application for Second Interim Trustee Fees and Expenses and any future Notices and Applications for Trustee Fees and Expenses, which Notice and Application for Second Interim Trustee Fees and Expenses will be filed after entry of the Order ruling on the instant Motion. The Subchapter V Trustee seeks to limit notice to (a) the United States Trustee; (b) counsel for the Debtor; (c) those creditors receiving payments under the Debtor’s confirmed amended plan; and (c) any other party or its counsel registered to receive notice via ECF in the above-captioned case.

In support of this Motion, the Subchapter V Trustee respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. sections 157

and 1334. Venue is proper pursuant to 28 U.S.C. sections 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. section 157(b)(2).

2. The statutory predicates for relief requested herein are sections 330 and 331 of the Bankruptcy Code.

BACKGROUND

3. On April 24, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Subchapter V of Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of North Dakota. The Subchapter V Trustee was appointed April 26, 2023.
4. The plan was confirmed on August 30, 2023. One of the plan conditions was that the Subchapter V Trustee would continue as disbursing agent for plan payments.

REQUEST TO LIMIT NOTICE

5. The current mailing matrix has 104 parties listed asailable recipients. The majority of these parties are not registered to receive notice via ECF or other electronic means upon whom, but for the entry of an order limiting notice, the Subchapter V Trustee would be required to serve a copy of the Notice and Application. As a result, Subchapter V Trustee would incur substantial expense for the reproduction of the Notice and Application and service of same by mail upon all parties as required by Fed. R. Bank. P. 2002(a)(6) and LR 2002-1(A), which expenses would ultimately be charged to the Debtor’s bankruptcy estate. It is respectfully submitted that these costs will burden debtor and creditors without any meaningful benefit.
6. The Subchapter V Trustee proposes that Notice and Application for SubChapter V Trustee Fees and Expenses going forward beginning with the Second Interim Fee and Expense Application be provided to (a) the United States Trustee; (b) counsel for the Debtor; (c) those creditors receiving payments under the Debtor’s confirmed amended plan; and (c) any other party

or its counsel registered to receive notice via ECF in the above-captioned case. The Subchapter V Trustee will make a complete copy of the Notice and Application available by e-mail or other suitable delivery method upon request of (and without charge) any party in interest requesting a copy directed to the undersigned. Subchapter V Trustee has conferred with the United States Trustee Office on the process and has received no objection. The debtor's counsel has also been so notified and has not indicated any objection.

7. The Bankruptcy Court has discretion under Fed. R. Bank. P. 9007 and LR 2002-1(A) to limit notice of a hearing to consider an application for compensation as it deems proper.

WHEREFORE, the Subchapter V Trustee respectfully requests that this Court enter an order (i) granting the Motion, (ii) providing leave to serve the Notice and Application for Second Interim Subchapter V Trustee Fees and Expenses and future applications as provided herein; and (iii) providing such other relief as the Court deems just and proper under the circumstances.

Dated: October 13, 2023

Signed: /s/ Thomas Kapusta
Thomas J. Kapusta, Sub Chapter V Trustee
TK Enterprises, LLC
PO Box 90624
Sioux Falls, SD 57109
Phone: 605-376-6715
Email: tkapusta@aol.com

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CERTIFICATE OF SERVICE

Thomas Kapusta, Subchapter V Trustee, hereby certifies the filing of this document caused service via CM/ECF upon all CM/ECF recipients.

Dated: October 13, 2023

/s/ Thomas Kapusta
Thomas Kapusta